

EXHIBIT W

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MARYLAND
No. WDQ-02-CV-648

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,
and

KATHY C. KOCH, Plaintiff-Intervenor,

vs.

LA WEIGHT LOSS,

Defendant.

This is the Examination Before Trial of

JODI WALTERS

held on the 5th day of April, 2005

held at the offices of Verbatim Court Reporting,
402 West Church Street, Elmira, New York.

REPORTED BY: ELIZABETH R. BRUCIE, RPR

Notary Public

JODI WALTERS by MR. WETCHLER

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<p>1 Q At any time were you told anything else about what 2 LA Weight Loss was or wasn't looking for?</p> <p>3 A Sure, they were looking for men who were gay.</p> <p>4 Q Have you completed your answer?</p> <p>5 A No.</p> <p>6 Q Okay. Please continue.</p> <p>7 A We were told as far as men, that men were not 8 hired by LA Weight Loss, they were not, would not have a 9 good rapport, or as good a rapport with the female 10 clientele. So the company tended not to hire them.</p> <p>11 Q Have you completed your answer?</p> <p>12 A I believe so.</p> <p>13 Q Are you aware of Pam Corbin holding any position 14 at LA Weight Loss other than manager of the Elmira center?</p> <p>15 A Yes.</p> <p>16 Q What other positions did Pam Corbin hold?</p> <p>17 A She was trainer.</p> <p>18 Q When was she, when, during what period of time do 19 you understand that she was a trainer?</p> <p>20 A When I, shortly after I was hired she was promoted 21 to trainer.</p> <p>22 Q What position did Rita Thompson hold with LA 23 Weight Loss?</p> <p>24 A What time, when I was hired?</p>	<p>1 A She was trainer.</p> <p>2 Q When you say Mari, are you talking about Mari who?</p> <p>3 A Ritterback.</p> <p>4 Q When you are talking about Diane, you are talking 5 about Diane who?</p> <p>6 A Rizio.</p> <p>7 Q What did Pam Corbin say to you about the subject 8 of hiring men?</p> <p>9 A Just that if Hildi, if like for example one time 10 Hildi was in the center and it was just known that it was 11 just, known that she didn't want any men working there in 12 the center. She didn't have any men working in any of her 13 centers.</p> <p>14 Q Can you remember in sum and substance anything 15 that Pam Corbin said about the subject of hiring men?</p> <p>16 A Well, somebody did, a man did come in to apply and 17 I know that the application was thrown out. Because, and 18 the comment was made, something to the effect, I don't know 19 the exact words, but Hildi would never look at this anyway.</p> <p>20 Q Who said that?</p> <p>21 A Pam.</p> <p>22 Q Other than, did you see the resume that Pam threw 23 out?</p> <p>24 A No, I didn't see the resume.</p>
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<p>1 Q At any time?</p> <p>2 A She was assistant manager when I was hired. Then 3 she was promoted to manager. And then she was gone, then 4 she came back as counselor.</p> <p>5 Q When you say she was promoted to manager, you mean 6 center manager?</p> <p>7 A Yes, of Elmira. And then she moved to Ithaca 8 center.</p> <p>9 Q Who told you at LA Weight Loss that men are not 10 hired by LA Weight Loss?</p> <p>11 A Pam, Rita, Hildi, Chrissy made reference to it.</p> <p>12 Q What exactly --</p> <p>13 A Mari.</p> <p>14 Q Go ahead, I am sorry.</p> <p>15 A Diane I believe made reference to it. I am done.</p> <p>16 Q Do you remember Hildi's last name?</p> <p>17 A No, I don't.</p> <p>18 Q What position was she in when she mentioned men?</p> <p>19 A Area supervisor. That's when I first heard of the 20 gay men.</p> <p>21 Q What's Chrissy's last name?</p> <p>22 A Mazza.</p> <p>23 Q What position did Chrissy hold when she made 24 reference to the hiring of men?</p>	<p>1 Q Did you hear Pam say that Hildi wouldn't be 2 interested in that any way?</p> <p>3 A Yes.</p> <p>4 Q To the best of your recollection, who was present 5 when Pam said that?</p> <p>6 A Oh I have no, probably other girls in the center. 7 But I remember Pam saying that.</p> <p>8 Q If Pam, if you didn't see Pam throw away the 9 resume, how did you know what Pam was talking about when she 10 said Hildi wouldn't be interested?</p> <p>11 A How did I know?</p> <p>12 Q Yes.</p> <p>13 A It was a known fact. I mean it was communicated 14 to us that Hildi didn't want straight men working in her 15 centers.</p> <p>16 Q What I am asking you specifically is what Pam said 17 to you, all right. And if I understand your testimony 18 correctly, the only thing that Pam ever said to you was 19 Hildi wouldn't be interested in that; am I understanding 20 your testimony correctly?</p> <p>21 A That Hildi, she didn't want straight men.</p> <p>22 Q So are you saying now that Pam said to you Hildi 23 does not want straight men?</p> <p>24 A Right.</p>

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<p>1 about the hiring of men?</p> <p>2 A If there ever would have been Michelle Gargano or</p> <p>3 Laura Benton. Katrina and Amy, I don't know their last</p> <p>4 names.</p> <p>5 Q When Rita Thompson made statements about the</p> <p>6 hiring of men, did you ever say anything back to her about</p> <p>7 the subject?</p> <p>8 A Why weren't -- that we would just say why, you</p> <p>9 know, just like discuss. I mean it wasn't anything formal.</p> <p>10 Q I am asking you whether you remember anything that</p> <p>11 you said to Rita on the subject of hiring men.</p> <p>12 A Specifically I don't recall.</p> <p>13 Q Do you recall in sum and substance anything that</p> <p>14 you said to Rita Thompson on the subject of hiring men?</p> <p>15 A Well, we would discuss it, why wouldn't they want</p> <p>16 to hire men, like in general.</p> <p>17 Q Can you recall -- I am sorry, I didn't mean to, I</p> <p>18 didn't know you weren't done. Please continue.</p> <p>19 A No, go ahead, I am sorry. Go ahead.</p> <p>20 Q Have you completed your answer?</p> <p>21 A Yes.</p> <p>22 Q Can you recall saying anything to Pam Corbin about</p> <p>23 the subject of hiring men?</p> <p>24 A I don't recall. I really didn't have much</p>	<p>1 Q You can answer.</p> <p>2 A Why she would say that, I don't know why she would</p> <p>3 say that.</p> <p>4 Q What, if anything, did Chrissy ever say to you on</p> <p>5 the subject, about the subject of hiring men?</p> <p>6 A It wasn't me directly. But it was just, they</p> <p>7 weren't, most of the men that were employed by the company</p> <p>8 were like the co-owners, I mean people in, like maybe the</p> <p>9 computer tech jobs, and not in the centers.</p> <p>10 Q Is that something Chrissy said that you heard her</p> <p>11 say?</p> <p>12 A Yeah.</p> <p>13 Q Can you recall Chrissy saying anything else about</p> <p>14 the subject of men being hired or employed at LA Weight</p> <p>15 Loss?</p> <p>16 A Just that, I mean just as far as, in past</p> <p>17 experience, I mean the company found that women dealt with</p> <p>18 women, had a better rapport with women than men versus men</p> <p>19 and women.</p> <p>20 Q Can you recall what position you held when you</p> <p>21 heard Chrissy say that?</p> <p>22 A Counselor. That was during my initial training.</p> <p>23 Q Can you recall anything else that Chrissy said</p> <p>24 that you heard her say on the subject of hiring men?</p>
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<p>1 interaction.</p> <p>2 Q What, if anything, did Hildi say in your presence</p> <p>3 about the hiring of men?</p> <p>4 A She didn't want them working in her centers.</p> <p>5 Q Did Hildi say, on how many occasions did you hear</p> <p>6 Hildi say that?</p> <p>7 A A couple times probably.</p> <p>8 Q And can you remember who was present then?</p> <p>9 A No, I don't.</p> <p>10 Q Do you remember whether anybody was present?</p> <p>11 A I am sure there was, before the center opened or</p> <p>12 after, but.</p> <p>13 Q When you heard Hildi say that, what position did</p> <p>14 you hold?</p> <p>15 A Counselor.</p> <p>16 Q Were you involved in hiring at the time?</p> <p>17 A No.</p> <p>18 Q Do you remember what was being, what Hildi was</p> <p>19 discussing when the subject of hiring men came up?</p> <p>20 A They were looking for people for our center.</p> <p>21 Q Can you think of any reason that Hildi would say</p> <p>22 to you she wasn't interested in hiring men if you aren't</p> <p>23 interested in the hiring process?</p> <p>24 MS. QUINLAN: Objection.</p>	<p>1 A No.</p> <p>2 Q Did you ever hear Mari Ritterback say anything on</p> <p>3 the subject of hiring men?</p> <p>4 A Just that to be, you know, to send the</p> <p>5 applications to her, just in case.</p> <p>6 Q Can you recall anything else that she said about</p> <p>7 the subject of hiring men in your presence?</p> <p>8 A Not that I recall.</p> <p>9 Q Can you recall Diane Rizio saying anything that</p> <p>10 you heard about the subject of hiring men?</p> <p>11 A Just that to make sure that I forwarded the</p> <p>12 resumes so they would be on file.</p> <p>13 Q Anything else?</p> <p>14 A Because before I would just discard them.</p> <p>15 Q Anything else?</p> <p>16 A I don't believe so.</p> <p>17 Q When you said before you would discard them, was</p> <p>18 that a decision that you would make on your own?</p> <p>19 A I was just doing what previous managers did, just</p> <p>20 following what they did.</p> <p>21 Q Can you recall anyone at LA Weight Loss, other</p> <p>22 than Pam Corbin, Rita Thompson, Hildi, Chrissy, Mari</p> <p>23 Ritterback or Diane Rizio saying anything about the subject</p> <p>24 of hiring men?</p>